

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:22-cv-01267-RGK-MAR Date: October 31, 2022

Title *Roberto Leveron v. City of Santa Ana et al*

Present: The Honorable: MARGO A. ROCCONI, UNITED STATES MAGISTRATE JUDGE

JAMES MUNOZ

Deputy Clerk

N/A

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

N/A

Attorneys Present for Defendants:

N/A

**Proceedings: (In Chambers) SECOND ORDER TO SHOW CAUSE RE: DISMISSAL
FOR LACK OF PROSECUTION**

On July 22, 2022, the Court dismissed the Complaint with leave to amend (“ODLA”), granting Plaintiff until August 22, 2022, to either: (1) file a First Amended Complaint; (2) file a notice that he intends to stand on the allegations in the Complaint; or (3) voluntarily dismiss the action without prejudice. Dkt. 13 at 24–25. The ODLA cautioned Plaintiff that failure to timely file a response to the ODLA “will result” in the dismissal of the Complaint for failure to prosecute. *Id.* at 25.

On September 14, 2022, this Court issued an Order to Show Cause (“OSC”) giving Plaintiff until October 4, 2022 to show why this action should not be dismissed for failure to prosecute. Dkt. 19. Plaintiff was again warned that, “[f]ailure to respond to the Court’s Order will result in the dismissal of the action.” *Id.* (emphasis added). To date, Plaintiff has not responded to the Court’s September 14, 2022 OSC.

Accordingly, Plaintiff must respond to the Court’s September 14, 2022 OSC with one (1) of the three (3) options listed in the OSC:

- (1) Plaintiff shall file a First Amended Complaint that addresses the deficiencies identified in the Court’s July 22, 2022 ODLA;
- (2) Plaintiff shall provide the Court with an explanation as to why he has failed to file a First Amended Complaint; or
- (3) Plaintiff may request a voluntarily dismissal of the action pursuant to Federal Rule of Civil Procedure 41(a). The Clerk of Court is directed to attach a Notice of Dismissal form for Plaintiff’s convenience.

Dkt. 19. Plaintiff must comply **within fourteen (14) days of this Order, by November 11, 2022**, or this action will be dismissed for failure to prosecute.

IT IS SO ORDERED.

Initials of Preparer

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